

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLEChapter 552 19 93Bill H 190 S _____ Original bill & history ☒ cH. Committee on Business & Economic Development S. Committee on Public Health, Welfare & SafetyHearing Date(s) Jan 25 ☒ cHearing Date(s) Mar 19 ☒ cJan 27 ☒ cMar 22 ☒ c_____ ☐ c_____ ☐ c_____ ☐ c_____ ☐ cDate Out Jan 27 ☒ cMar 23 ☒ cDid this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Note: A Conference Committee
was appointed. Its minutes
were not recorded.

HB 188 INTRODUCED BY R. JOHNSON, ET AL.
 PROVIDE THAT MEMBERS OF BOARD OF HOUSING SERVE AT PLEASURE
 OF GOVERNOR

1/15	INTRODUCED		
1/15	REFERRED TO STATE ADMINISTRATION		
1/15	FIRST READING		
1/21	HEARING		
1/22	COMMITTEE REPORT—BILL PASSED		
1/25	2ND READING PASSED	63	35
1/27	3RD READING PASSED	66	33
	TRANSMITTED TO SENATE		
1/29	FIRST READING		
1/29	REFERRED TO STATE ADMINISTRATION		
2/11	HEARING		
3/02	HEARING		
3/02	TABLED IN COMMITTEE		

HB 189 INTRODUCED BY WALLIN
 CLARIFY RESPONSIBILITY OF DEPARTMENT OF COMMERCE WITH
 RESPECT TO STATE PLANNING AND COMMUNITY DEVELOPMENT
 BY REQUEST OF DEPARTMENT OF COMMERCE

1/15	INTRODUCED		
1/15	REFERRED TO LOCAL GOVERNMENT		
1/15	FIRST READING		
1/28	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED		
1/30	PLACED ON CONSENT CALENDAR		
2/03	3RD READING PASSED	93	3
	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO LOCAL GOVERNMENT		
3/09	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/11	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 148		
	EFFECTIVE DATE: 10/01/93		

HB 190 INTRODUCED BY MASON
 SPECIFY LICENSING REQUIREMENTS AND PROCEDURES FOR SOCIAL
 WORKERS AND COUNSELORS
 BY REQUEST OF DEPARTMENT OF COMMERCE

1/15	INTRODUCED		
1/15	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/15	FIRST READING		
1/25	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	89	10
2/03	3RD READING PASSED	89	8
	TRANSMITTED TO SENATE		
2/04	FIRST READING		

2/04	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/19	HEARING		
3/24	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/25	2ND READING CONCURRED	49	0
3/26	3RD READING CONCURRED	46	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS NOT CONCURRED	96	3
4/05	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/17	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	88	7
4/20	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	93	6
	SENATE		
4/06	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/16	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/17	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	39	0
4/22	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 552		
	EFFECTIVE DATE: 10/01/93		

HB 191 INTRODUCED BY STRIZICH, ET AL.
REVISE AMUSEMENT GAME LAWS
BY REQUEST OF GAMING ADVISORY COUNCIL

1/15	INTRODUCED		
1/15	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/15	FIRST READING		
1/26	HEARING		
1/27	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/29	2ND READING PASSED	57	40
2/01	3RD READING PASSED	58	41
	TRANSMITTED TO SENATE		
2/03	FIRST READING		
2/03	REFERRED TO JUDICIARY		
3/16	HEARING		
3/24	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	32	11
3/29	3RD READING CONCURRED	38	10
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 327		
	EFFECTIVE DATE: 10/01/93		

HB 192 INTRODUCED BY FOSTER, ET AL.
ALLOW HIGH-HAZARD DAM INSPECTIONS BY DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION ENGINEERS OR PRIVATE
ENGINEERS

1/15 INTRODUCED

HOUSE BILL NO. 190

INTRODUCED BY MASON
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
JANUARY 28, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 29, 1993	PRINTING REPORT.
JANUARY 30, 1993	SECOND READING, DO PASS.
FEBRUARY 1, 1993	ENGROSSING REPORT.
FEBRUARY 3, 1993	THIRD READING, PASSED. AYES, 89; NOES, 8.
FEBRUARY 4, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.
APRIL 5, 1993	ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 6, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 17, 1993

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 17, 1993

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 20, 1993

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 190
 2 INTRODUCED BY Gary D. Miron
 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE
 6 REQUIREMENTS FOR LICENSURE OF LICENSED CLINICAL SOCIAL
 7 WORKERS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE
 8 VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING
 9 THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN
 10 INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND
 11 PROFESSIONAL COUNSELORS; AMENDING SECTIONS 37-22-301,
 12 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND 37-23-212,
 13 MCA; AND PROVIDING EFFECTIVE DATES."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 37-22-301, MCA, is amended to read:

17 "37-22-301. License requirements -- exemptions. (1) A
 18 license applicant shall satisfactorily complete an
 19 examination prepared and administered by the board, ~~except~~
 20 ~~that during the 365-day period following the effective date~~
 21 ~~of this chapter a license must be granted without~~
 22 ~~examination if the requirements of subsection (2) are met.~~

23 (2) Before an applicant may take the examination, he
 24 the applicant shall present three letters of reference from
 25 licensed social workers, licensed clinical social workers,

1 psychiatrists, or psychologists, ~~or psychiatric nurses~~ who
 2 have knowledge of the applicant's professional performance
 3 and shall demonstrate to the board that he the applicant:

4 (a) has a doctorate or master's degree in social work
 5 from a program accredited by the council on social work
 6 education or approved by the board;

7 (b) has ~~accumulated 3,000 hours of postdegree work~~
 8 experience in psychotherapy completed at least 24 months of
 9 supervised post master's degree work experience in
 10 psychotherapy, which included 3,000 hours of social work
 11 experience, of which at least 1,500 hours were in direct
 12 client contact, within the past 5 years; and

13 (c) abides by the social work ethical standards adopted
 14 under 37-22-201.

15 (3) An applicant who submits an application for
 16 licensure before October 1, 1994, may acquire the supervised
 17 experience required by subsection (2)(b) in less than 24
 18 months.

19 (4) An applicant who has failed the examination may
 20 reapply to take the examination.

21 (5) An applicant is exempt from the examination
 22 requirement if he the applicant satisfies the board that he
 23 the applicant is licensed, certified, or registered under
 24 the laws of a state or territory of the United States that
 25 imposes substantially the same requirements as this chapter

and that ~~he~~ the applicant has passed an examination similar to that required by the board."

Section 2. Section 37-22-304, MCA, is amended to read:

"37-22-304. Renewal of license. (1) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(2) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements.

(3) An individual may renew a license in the manner provided in subsection (2) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(4) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the 60-day period provided in subsection (1). The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(5) A license not renewed within 1 year following its

expiration date terminates automatically."

Section 3. Section 37-22-305, MCA, is amended to read:

"37-22-305. Representation to public as licensed clinical social worker -- limitations on use of title -- limitations on practice. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical social worker". No Except as provided in subsection (2), a person may not represent ~~himself-to-be~~ that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after ~~his~~ the person's name or by any other means unless licensed under this chapter.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed social worker" or "LSW" may use the title "licensed clinical social worker" or "LCSW".

~~(2)~~(3) Subsection (1) does not prohibit:

(a) qualified members of other professions, such as physicians, psychologists, lawyers, pastoral counselors, educators, or the general public engaged in social work like activities, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "licensed social work worker" or "licensed clinical social worker";

(b) activities, services, and use of an official title

1 by a person in the employ of a federal, state, county, or
2 municipal agency or an educational, research, or charitable
3 institution which that are a part of the duties of the
4 office or position;

5 (c) an employer from performing social work like
6 activities performed solely for the benefit of his
7 employees;

8 (d) activities and services of a student, intern, or
9 resident in social work pursuing a course of study at an
10 accredited university or college or working in a generally
11 recognized training center if the activities and services
12 constitute a part of the supervised course of study;

13 (e) activities and services of by a person who is not a
14 resident of this state, ~~which-services~~ that are rendered for
15 a period that does not exceed, in the aggregate, 60 days
16 during a calendar year if the person is authorized under the
17 law of the state or country of residence to perform such the
18 activities and services. However, ~~such-persons~~ the person
19 shall report to the department the nature and extent of the
20 activities and services if they exceed 10 days in a calendar
21 year.

22 (f) pending disposition of the application for a
23 license, activities and services by a person who has
24 recently become a resident of this state, has applied for a
25 license within 90 days of taking up residency in this state,

1 and is licensed to perform such the activities and services
2 in the state of his former residence.

3 (4) An individual who is not licensed as a licensed
4 clinical social worker in accordance with this chapter may
5 not practice social work, whether practicing in a private
6 practice or by employment with a public or private agency or
7 institution, without supervision by a licensed clinical
8 social worker."

9 **Section 4.** Section 37-22-312, MCA, is amended to read:

10 "37-22-312. Procedure for charging violation. (1) Any
11 member of the board or other person may charge a licensee
12 with a violation of 37-22-311. The charge must be made by
13 affidavit and subscribed and sworn to by the person making
14 it and filed with the department. The charge must be
15 investigated by the board and, unless the board dismisses
16 the charge after investigation as unfounded or trivial, the
17 board must shall act on the charge ~~within-6-months-after-the~~
18 ~~date-on-which-the-charge-was-filed--The-board-is-considered~~
19 ~~to-have-acted-on-a-charge-if-it-has-given-notice-by-mail--to~~
20 ~~the--licensee--of--its--intent--to--reprimand-him-or-revoke,~~
21 ~~suspend, or refuse to renew his license--and--the--notice~~
22 ~~contains-those-matters-required-by-2-4-601.~~

23 (2) Any hearing on the charge must be ~~held-before-all~~
24 ~~five-members-of-the-board--and--must--be~~ conducted in
25 accordance with 37-1-121(1) and the Montana Administrative

1 Procedure Act."

2 **Section 5.** Section 37-23-205, MCA, is amended to read:

3 "37-23-205. **Renewal of license.** (1) A license may be
4 issued for no longer than 1 year. The board may adopt rules
5 to provide for annual renewal of an existing license.

6 (2) An application for renewal of an existing license
7 made within 60 days after the expiration of the license is
8 timely, and the rights and privileges of the applicant
9 during that period remain in effect.

10 (3) Application for renewal must be made upon a form
11 provided by the department. A renewal license must be issued
12 upon payment of a renewal fee set by the board and upon
13 submitting proof of completion of continuing education
14 requirements established by the board.

15 (4) An individual may renew a license in the manner
16 provided in subsection (3) within 1 year of the expiration
17 date of the license. An applicant for renewal shall provide
18 the board with proof that the applicant has satisfied the
19 continuing education requirements of the board for the year
20 for which the license is to be renewed.

21 (5) The renewal fee is increased by 10% for each month
22 or part of a month that the renewal is delayed after the
23 60-day period provided in subsection (2). The maximum fee
24 for delayed renewal may not exceed twice the normal renewal
25 fee.

1 (6) A license not renewed within 1 year following its
2 expiration date terminates automatically."

3 **Section 6.** Section 37-23-212, MCA, is amended to read:

4 "37-23-212. **Procedure for charging violation of**
5 **professional or ethical standard.** (1) A member of the board
6 or any other person may charge a licensee with violating a
7 professional or ethical standard adopted by the board. The
8 charge must be made by affidavit, subscribed and sworn to by
9 the person making it, and filed with the department of
10 commerce. The charge must be investigated by the board, and
11 unless the board dismisses the charge after investigation as
12 unfounded or trivial, the board must shall act on the charge
13 ~~within-6-months-after-the-date-on-which-the-charge-was~~
14 ~~filed--The-board-is-considered-to-have-acted-on-a-charge-if~~
15 ~~it-has-given-notice-by-mail-to-the-licensee-of-its-intent-to~~
16 ~~suspend-or-revoke-his-license-and-the-notice-contains--those~~
17 ~~matters-required-by-2-4-601.~~

18 (2) A hearing on the charge must be conducted in
19 accordance with 37-1-121(1) and the Montana Administrative
20 Procedure Act."

21 **NEW SECTION. Section 7. Inactive status.** (1) The board
22 shall reclassify, for a maximum of 7 consecutive years, an
23 active license to an inactive license for a licensee who
24 furnishes satisfactory evidence that the licensee has
25 discontinued the practice of social work within this state

1 and has satisfied the continuing education requirements of
2 the board for each year of inactive licensure.

3 (2) An individual with an inactive status license who
4 wishes to convert the license to active status shall make
5 application for conversion in the manner prescribed by the
6 board. The application must be accompanied by a renewal fee
7 prescribed by the board. If the applicant for conversion to
8 active status has held an inactive status license for more
9 than 1 year, the applicant shall submit with the application
10 satisfactory evidence that the applicant has earned the
11 number of continuing education credits prescribed by the
12 board for each year that the applicant has held an inactive
13 status license.

14 (3) An individual on inactive status for more than 7
15 consecutive years shall comply with the requirements of
16 37-22-301 in order to convert an inactive status license to
17 an active status license.

18 (4) An inactive status licensee may not practice social
19 work in this state.

20 **NEW SECTION. Section 8. Inactive status.** (1) The board
21 shall reclassify, for a maximum of 7 consecutive years, an
22 active license to an inactive license for a licensee who
23 furnishes satisfactory evidence that the licensee has
24 discontinued the practice of professional counseling within
25 this state and has satisfied the continuing education

1 requirements of the board for each year of inactive
2 licensure.

3 (2) An individual with an inactive status license who
4 wishes to convert the license to active status shall make
5 application for conversion in the manner prescribed by the
6 board. The application must be accompanied by a renewal fee
7 prescribed by the board. If the applicant for conversion to
8 active status has held an inactive status license for more
9 than 1 year, the applicant shall submit with the application
10 satisfactory evidence that the applicant has earned the
11 number of continuing education credits prescribed by the
12 board for each year that the applicant has held an inactive
13 status license.

14 (3) An individual on inactive status for more than 7
15 consecutive years shall comply with the requirements of
16 37-23-202 in order to convert an inactive status license to
17 an active status license.

18 (4) An inactive status licensee may not practice
19 professional counseling in this state.

20 **NEW SECTION. Section 9. Codification instruction.** (1)
21 [Section 7] is intended to be codified as an integral part
22 of Title 37, chapter 22, and the provisions of Title 37,
23 chapter 22, apply to [section 7].

24 (2) [Section 8] is intended to be codified as an
25 integral part of Title 37, chapter 23, and the provisions of

1 Title 37, chapter 23, apply to [section 8].

2 NEW SECTION. **Section 10. Applicability.** [Section
3 1(2)(b)] applies to persons licensed on or after October 1,
4 1993.

5 NEW SECTION. **Section 11. Effective date.** [Section
6 3(4)] is effective October 1, 1995.

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on January 25, 1993,
at 10:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chair (R)
Rep. Sonny Hanson, Vice Chair (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (R) ~~D~~
Rep. Doug Wagner (R)

Members Excused: Rep. Fritz Daily and Rep. Sonny Hanson

Members Absent: None

Staff Present: Paul Verdon, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 190
Executive Action: HB 190

HEARING ON HB 190

Opening Statement by Sponsor:

REP. GARY MASON, House District 63, Corvallis, said HB 190 was
requested by the Department of Commerce, and is an act specifying
the requirements for licensure of licensed clinical social

workers. This will amend the procedure for charging of license violations by licensed clinical social workers, providing the requirements of license renewal and creating an inactive status for licensed clinical social workers and professional counselors.

Proponents' Testimony:

Patrick Wolberd, M.S.W., B.C.D. Member of Board of Social Work Examiners & Professional Counselors, Billings, said the board has proposed legislation to amend specific sections of the social work licensure law to bring it up to national standards, and provide for more efficient and effective operation of the board. These changes will: 1) grant the board authority to specify supervised work experience for social work applicants; 2) allow a longer grace period for license renewal; 3) allow, but not require, the use of the title Licensed Clinical Social Worker (LCSW); 4) provide social work practice protection; 5) delete the six month time limit requirement for action on complaints; and 6) establish an inactive status. He said the board requested an amendment to the bill which would delete subsection (4) of section 3, lines 3 - 8, page 6 of this bill. This amendment would also require the deletion of the new codification, section 9, lines 2 - 4, page 11, and delete the entire practice protection language of this bill. He said language has been included in the bill to allow a 1 year grandparent period for recent Montana University graduates who might otherwise be adversely affected by extending their work experience by 6 months before receiving their license. On page 11, section 10, there is a typographical error, it should read 1994 instead of 1993, the purpose of this section was to provide for the grace period of the recent graduates. Mr. Wolberd read written testimony. SEE EXHIBIT 1. He also distributed written testimony from Dr. Frank W. Clark, Ph.D. University of Montana. SEE EXHIBITS 2 & 3

Craig Simmons, Licensed Social Worker, Helena, said the Montana National Association of Social Workers (MASW) has 356 members in Montana, 221 of those members are currently licensed social workers. HB 190 will upgrade the requirement for supervision that a licensee must have to gain a license. It brings the license requirements within the national standards. He said if they have this standard the public will better be able to seek services from LSW or LCSW, because the proper amount of supervision has occurred and the public expects to receive a competent level of service from an independent practitioner. On pages 3 & 4, will allow them to use the term "licensed clinical social worker" as well as "licensed social worker". There is precedence set in permissive language so they can have the option of calling themselves LSW or LCSW. He said they are increasingly asked to call themselves LCSW, i.e., an out-of-state insurance company that a consumer may use and the insurance company will directly pay the LCSW or LSW for their services. If they are able to use the term LCSW, it will clearly define they have had clinical training and supervision.

Rose Hughes, Executive Director, Montana Health Care Association, represents nursing homes throughout the state of Montana. She said they are required to provide social services to the residents in these facilities. Their original intention was to oppose HB 190, because of the limit to practice to licensed social workers. Most of the social workers in the nursing facilities are not licensed social workers, they are bachelor level social workers who are qualified to perform the particular activities required of them to perform. She said they have some problems with subsection 4, section 3, page 6, which limits the practice of social work to licensed individuals, and would require most of their facilities to hire master degree level or doctorate degree level social workers to supervise the individuals that are currently employed. Ms. Hughes said they do support the amendment which removes that section from this legislation, and allowed them to support this bill. She said another section of the bill could be clarified if the committee wishes to do so. On page 4, section 3, subsection 3a, it lists other professionals as not being in prohibition of the act when they do social work as long as they don't use the title, "licensed social worker or licensed clinical social worker". Those missing from the title are people in the profession of social work with a bachelor level social work degree who are doing social work without a license. She didn't think the intent was there to stop those people from practicing, but felt it needed to be clarified.

Opponents' Testimony:

Jack McDonald, self, stated his opposition of HB 190.

Informational Testimony:

None

Questions From Committee Members and Responses:

Rep. Simon asked Rep. Mason about the current law which allows a 60-day grace period on the licensure renewal, and wanted to know why it needs to be extended to a full year? Rep. Mason said for continuing education requirements, i.e., returning to school would give the individuals more time to continue their education for licensure, and asked Rep. Mason to speak to the need for the inactive status situation? Rep. Mason asked if Pat Wolberd could answer the question. Mr. Wolberd said the board's intent was to establishment statutory authority to write administrative rules to address this issue. The direction of the rules would be to currently provide 20 hours per year of continuing education, and would stay in place. He said they would like to see some flexibility as to when those hours are completed, e.g., if someone was in inactive status for three years could acquire the 60 hours in the last year prior to returning to active status. Rep. Simon said on page 2, line 9, it states "supervised post-master's degree work experience", who would do this supervision?

Mr. Wolberd said this is another case where the board was looking for statutory language to provide authority to write rules to define this more clearly. He said in defining a LSW or a LCSW, they have been looking at other states as models in terms of document supervision, allowing flexibility in the supervision being a combination of face-to-face or telephone supervision, taped interviews, and written documentation to be reviewed by the supervisor in order to address the concerns that some people have expressed because of the more remote areas of Montana and limited availability of a LSW. He said they are confident to developing rules that would include a public hearing for review and would address this need.

Rep. Tuss asked Pat Wolberd if there is a standard date for renewal of licenses or are they standard throughout the year? Mr. Wolberd said his understanding under current statute the date is December 31st of each year. Rep. Tuss asked if a LSW doesn't renew their license by December 31st, and continues to practice can they continue to charge with a license that is not valid? Mr. Wolberd said the license is still considered active during the following 60-day grace period. Carol Grell, legal counsel of the board was asked to reply. Ms. Grell said the section that attempts to deal with the renewal of license already contains language under Title 68, "a person is allowed to practice while in a grace period". The new language being added is not technically a grace period. The way the licensing board is set up under Title 37, the initial chapters of that section deal with licensing of all boards which already allow a one-year period to renew a license without having to start over. She said language was needed that would state what happens in that one-year period. The statute that deals with all boards did not clarify language specifically for this board. They would also like to charge a late fee in that time frame, but would still be able to renew without having to go through the testing. She said no one should be practicing in this time frame, and if they know about it they will do what they can to stop it.

Rep. Stella Jean Hansen asked Pat Wolberd what the difference is between a LSW and a social worker who has a master's degree and is working without being licensed? Mr. Wolberd said the difference is the 3000 hours of practice experience following the additional master's degree, and an examination that demonstrates their knowledge in social work. The exam that is currently used has about 70% to 80% clinical material, and 20% to 30% general social work material. Mr. Wolberd said in Montana, social workers practicing without a license must practice under some private or public agency that provides supervision and oversight of the work which an agency is usually licensed, i.e., a hospital, nursing home, mental health center, etc. This gives the consumer protection through this process. The social work education, the master's degree in social work, is a two-year graduate degree program with a curriculum approved by the counsel in social work education, so it is standardized curriculum throughout the country. Many social workers who are not licensed

are certified by the Academy of Certified Social Workers through the National Association of Social Workers that Mr. Simmons represents.

Rep. Brandewie asked Pat Wolberd what the continuing education requirements are now, are they established by rules? Mr. Wolberd said the requirements are in administrative rules. The process is to accumulate 20 clock hours of continuing education during the course of the year, and present evidence of the education to the board upon request for re-licensure.

Rep. Brandewie asked Rose Hughes if she was comfortable with the bill in its present form in regard to protection of the counselors and social workers in the nursing homes. Ms. Hughes said no, not as the bill is proposed. She said they support the amendment to remove subsection 4, page 6, that was brought in by the board. The other clarification she thought would be appropriate is on page 4, subsection 3, 3a, of the laundry list of things not prohibited by this legislation, and the one thing missing from the list is the practice of social work by unlicensed social workers of whom there are many out there including most of the ones in the nursing homes, hospitals and other entities. In speaking with the board, she said it is not their intent to stop those people from practicing, but felt it wasn't clarified.

Rep. Brandewie asked Pat Wolberd if he would have any problem with the committee placing language into the affect mentioned above, the practice of social work by a license social worker. Mr. Wolberd said personally he would not have any objection to it. The board felt it was a non-issue, because no questions or concerns have been raised from it. His opinion was if this was taken back to the board there would be no objections raised.

Paul Verdon, Legislative Council, said as he reads subsection 3, on page 4, subsection 3a, it does not prohibit (3b) activities, services, and use of an official title by a person in the employ of a federal, state, county, or municipal agency or an educational, research, or charitable institution that are a part of the duties of the office or position; doesn't that cover the activities of the positions that are being referred to here? Pat Wolberd said speaking as a licensed social worker and not as an attorney, it would be an accurate assumption.

Closing by Sponsor:

Rep. Mason closed.

EXECUTIVE ACTION ON HB 190

Motion: REP. MILLS MOVED HB 190 DO PASS.

Discussion: Paul Verdon, Legislative Council, said the amendment

HOUSE BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

January 25, 1993

Page 6 of 7

is to strike subsection 4, page 6, and insert licensed social workers. On page 11, strike 1993 and insert 1994, and strike all of section 11. **SEE EXHIBIT 4**

Rep. Tuss asked Paul Verdon about the amendment on page 5, lines 2, 3 and 4, if it could be broaden to include, "private, not-for-profit agency to include hospitals, nursing homes", etc., so the agency licensure will cover the practicing social workers.

Rep. Brandewie proposed an amendment to expand the activities, service, and use of official title by a person employed by federal, state, county, municipal, educational, and research, to include "for profit nursing homes, hospital or not-for-profit".

Paul Verdon, Legal Council said he would like to consult with legal counsel before the committee continued with HB 190.

Motion: Rep. Mills withdrew his motion.

Motion/Vote: None

Vote: None

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE

1-25-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY			✓
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN			✓
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

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EXHIBIT 1
DATE 1-25-93
HB 190

PATRICK WOLBERD, M.S.W., E.C.D.
Member, Board of Social Work Examiners & Professional Counselors
P.O. Box 20601, Billings, MT 59104
(406) 657-0611

January 25, 1993

LICENSED SOCIAL WORKER PROPOSED CHANGES
HB-190

Mr. Chairman, my name is Patrick Wolberd and I am a licensed social worker representing the Board of Social Work Examiners & Professional Counselors. I have been a member of this board for the past year and have previously served on a social work licensing board in another state. I received my Master of Social Work degree in 1970 and have been practicing social work during the more than twenty years since that time. I have worked as a mental health administrator in the Montana State Department of Corrections and Human Services and in public service elsewhere, in addition to working as a line social worker and administrator in private agencies. I have been self employed as a private clinical social worker in Billings, Montana, for the past six years.

The Board of Social Work Examiners (BSWE) has proposed legislation to amend specific sections of the social work licensure law to bring it up to national standards, and provide for more efficient and effective operation of the Board. These changes will:

1. Grant the Board authority to specify supervised work experience for social work applicants.
2. Allow a longer grace period for license renewal.
3. Allow, but not require, the use of the title Licensed Clinical Social Worker (LCSW).
4. Provide Social Work practice protection.
5. Delete the six month time limit requirement for action on complaints.
6. Establish an inactive status.

During the past year, the BSWE has sought input from licensed social workers through the Montana Chapter of the National Association of Social Workers (NASW). There have been several regional meetings plus three state wide meetings to discuss the proposed legislation. The outcome has been that the NASW Board adopted a resolution in support of the BSWE sponsored bill.

The following is an item by item review of the bill:

1. SUPERVISED WORK EXPERIENCE: Section 37-22-301 currently requires a license applicant to have "accumulated 3,000 hours of postdegree work experience in psychotherapy within the past 5 years".

COMMENT: There is no reference to supervision being a part of the required work experience, nor is there reference to the minimum time required to accumulate the 3,000 hours. The result has been requests for licensure with no comment required from supervisors as to skill level and competence on the job. Some applicants have also

applied with as little as one year of work experience based on time worked in excess of a 40 hour work week. The national standards established a 24 month postdegree training period as the minimum period required to integrate one's graduate education and prepare to practice without the benefit of regular supervision.

PROPOSED LANGUAGE: ...completed at least 24 months of supervised post master's degree work experience in psychotherapy, which includes 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years;

COMMENT: This language retains the terms psychotherapy and social work, which are currently defined in section 37-22-102. No attempt has been made to narrow the definition of licensed social work practice to exclude social workers who define their work in more generalists terms. The intent is to require a level of supervision for licensure which credibly assures the public of quality licensed social work service delivery. Language has been included which allows a one year grandparenting period for recent MSW graduates who might otherwise have been adversely effected by extending their work experience by six months before being licensed.

2. LICENSE RENEWAL: The current language allows "...60 days after the expiration of the license..." to renew the license. The new language would allow one year for renewal.

COMMENT: The BSWE believes this new renewal time period is more reasonable and more in line with the national standards. The continuing education requirements and renewal fee remain unchanged.

3. LICENSED CLINICAL SOCIAL WORKER: The current language does not provide for the use of the title Licensed Clinical Social Worker. The new language allows the use of Licensed Social Worker (LSW) or Licensed Clinical Social Worker (LCSW).

COMMENT: This language change is permissive. It does not require the use of one title over the other, but rather allows the use of either title as the licensee sees fit. The new language is in no way intended to narrow the scope of the license to one subset of the profession. This change is mostly in response to the health industry's use of the term clinical with regard to billing procedures. Licensed social workers in private practice or who work for agencies that bill for their services are increasingly required to define their services as clinical. The current language in section 37-22-102, which defines terms such as licensee, psychotherapy, and social work, remains unchanged. The advanced exam being used to test license applicants has 70-80 % clinical content and 20-30% generalists content. The original licensing intent was to license for clinical practice as well as the general practice of social work in order to provide the broadest licensing base. The new language does not change this intent of the original licensing statutory language.

4. PRACTICE PROTECTION: The intent of the BSWE, in proposing practice protection language, was to strengthen public protection in the delivery of social work services.
COMMENT: There was never any intent to harm individuals practicing social work or agencies providing social work services, nor to increase the cost of social work service delivery in public or private agencies. We share the concerns, recently raised by some individual social workers and agencies, that this section could jeopardize social worker jobs or raise the cost of social work services in public and private agencies.
REQUEST: We, therefore, request an amendment to this bill which would delete subsection (4) of section 3, lines 3-8, page 6 of this bill. This amendment would also require the deletion of the new codification section 9, lines 2-4, page 11. This would delete the entire practice protection language of this bill.
5. SIX MONTH COMPLAINT LIMIT: The current language limits the BSWE to six months in which they can take action on a complaint about a licensee. The new language deletes the six month limitation.
COMMENT: The BSWE has found that six months often limits the investigation of facts and forces them into closing the case without action in some instances due to a lack of time to complete a thorough examination of the matter. This change will allow for a more complete review of the allegations and a more equitable decision. This change does not limit a licensee's legal right to timely action.
6. INACTIVE STATUS: There is no current language defining an inactive status. The new language would allow a licensee to go inactive for a maximum of seven years with greater flexibility regarding the continuing education requirements and inactive renewal fee structure.
COMMENT: The BSWE wants to make compassionate provision for licensed social workers to temporarily withdraw from active professional practice without undue hardship, yet maintain the integrity of the continuing education requirement and the license.

In conclusion, we are requesting that the Business Committee approve House Bill-190 as presented with the amendment requested today, noted earlier in our presentation.

Mr. Chairman, we want to thank representative Gary Mason for his support and willingness to sponsor this bill, and the time you and the Business Committee are taking to hear testimony on this important matter.

EXHIBIT 1
DATE 1-25-93
HB 190

The Department of Social Work
The University of Montana
Missoula, MT 59812
406-243-5543
FAX 406-243-4076

EXHIBIT 2
DATE 1-25-93
HB 190

Mr. Pat Walberg
C/O Business Committee
State of Montana Legislature
Capitol Building
Helena, MT 59604

Dear Pat:

RE: HB 190

Representing the faculty of the Department of Social Work of the University of Montana, I would like to register OPPOSITION to HB 190 which is "An act specifying the requirements for licensure of licensed clinical social workers..." The reasons for our opposition are as follows:

1. Change of the title "Licensed Social Worker" to "Licensed Clinical Social Worker" diminishes the profession and the current scope of present legislation. This change alters the name of the profession of social work and would discourage and/or preclude other professional social workers from becoming licensed. It restricts the licensing of social workers to one sub-set of the profession only. We believe that all professionally trained social workers should be eligible for licensure and for professional practice to be controlled by the profession and by the State of Montana through licensure as is presently the case. Requiring a set of criteria for those practicing in private clinical practice can accomplish the goals of clinical practitioners without eliminating an accountability mechanism for an entire profession.

2. The bill unduly restricts any form of clinical practice of social work by social workers without supervision by a licensed clinical social worker. All state public and private agencies or institutions would be hampered in their abilities to provide therapeutic interventions at a time when more, not fewer professionally trained social workers are called for. This would drive up costs (hiring only licensed clinical social workers to supervise) and reduce the effectiveness of service by diminishing the use of professional social workers. This change is self defeating for Montana and in a period of fiscal crisis would drive up service costs to citizens of Montana.

3. The terms "clinical" and "supervision" are not well defined. The whole history of the term "clinical" in the profession of social work has been marked by confusion and attempts to diminish and undercut the scope of the profession. What is and is not clinical practice? This bill lacks clarity in defining this very general term.

Second, "supervision" is not defined in this bill. Presumably it will be interpreted by a licensing board, but this does not provide assurance that the definition will accomplish the functional purpose of supervision in a way which is appropriate to the rural nature of Montana. The creation of some sort of supervision requirement makes sense from a "quality control" or "protection of the public" standpoint, but one could argue that this is even more important in rural areas where clients have few choices in the selection of a professional. Unfortunately the potential for confusion and discord abounds when no definitions are attached to the main terms used in the bill. A good bill has a greater potential for doing good rather than creating confusion and discord. These items should be worked out to the satisfaction of affected parties before being submitted in bill form.

4. Supervision by clinical social workers is impossible for social workers seeking licensure in many rural areas of Montana. In many rural areas of our state, licensed social workers do not exist. Persons seeking licensure in those areas would find this requirement impossible. This creates an undue hardship for the people of rural Montana. We need a mechanism for adequate education and training of professional social workers which can lead to licensure, but the proposed requirement creates barriers for members of the profession, not workable guidelines. This bill does not increase the likelihood of the licensure of social work professionals in rural areas, it decreases it.

FOR THESE REASONS, WE OPPOSE HB 190 AND URGE ITS DEFEAT. We understand the interests of primarily private practitioners in social work to be able to receive third party reimbursement for their services, but these interests must not be served at the expense of the broader profession of social work or at the expense of the citizens of Montana by driving up costs to public and private agencies or eliminating the use of professionally and appropriately trained social workers from agencies who cannot provide the requisite "clinical" supervision.

If you have other questions, please feel free to contact me.

Sincerely,

Frank W. Clark, Ph.D.

EXHIBIT 2
DATE 1-25-93
HB 190

The Department of Social Work
The University of Montana
Missoula, MT 59812
406-243-5543
FAX 406-243-4076

EXHIBIT 3
DATE 1-25-93
HB 190

January 25, 1993

Mr. Pat Walberg
C/O Business Committee
State of Montana Legislature
Capitol Building
Helena, MT 59604

Dear Pat:

RE: HB 150

Yesterday, January 24, I was in contact with Mr. Pat Walberg. A compromise has been reached which if made, makes it possible to support HB 190. There are two modifications agreed to by myself and Mr. Walberg:

1. The practice protection clause and its references to clinical social workers will be deleted in its entirety. This will eliminate the requirement for supervision of social workers by licensed clinical social workers and otherwise deal with that and related objections:

2. Language related to "licensed social worker" and "licensed clinical social worker" will be modified so that the bill's intent will reflect an inclusive rather than exclusive meaning of the terms. That is, that persons who are licensed will be able to legally refer to themselves as either "licensed social worker" or "licensed clinical social worker." This will make it possible for third party payments to be made to licensed clinical social workers for clinical work, and at the same time preserve the licensing process for all eligible social workers meeting the criteria for licensure.

As an additional note, the bill's title might now more accurately be reflected by wording to the effect, "A BILL FOR AN ACT ENTITLED: AN ACT SPECIFYING THE REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND LICENSED CLINICAL SOCIAL WORKERS: ETC, ETC..."

With the changes above, I and the faculty of the Department of Social Work would support passage of HB 190.

If you have other questions, please feel free to contact me.

Sincerely,

Frank W. Clark, Ph.D.

Amendments to House Bill No. 190
First Reading Copy

EXHIBIT 4
DATE 1-25-93
HB 190

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 25, 1993

1. Title, line 6.
Following: "LICENSURE"
Insert: "OF LICENSED SOCIAL WORKERS AND"
2. Title, line 13.
Strike: "EFFECTIVE DATES"
Insert: "AN APPLICABILITY DATE"
3. Page 5, line 1.
Following: "of"
Insert: "or under a contract with"
4. Page 5, line 2.
Following: "agency"
Insert: ", "
Strike: "or"
5. Page 5, line 3.
Following: "institution"
Insert: ", or a health care facility licensed under the
provisions of Title 50, chapter 5,"
6. Page 6, lines 3 through 8.
Strike: subsection (4) in its entirety
7. Page 11, line 4.
Strike: "1993"
Insert: "1994"
8. Page 11, lines 5 and 6.
Strike: section 11 in its entirety

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Economics COMMITTEE BILL NO. HB 190
DATE 1-25 SPONSOR(S) Rep. C. Mason

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Patrick Wolberd 2417 Elizabeth St. Bellingham	SW LCC Board	✓	
CRAIG SIMMONS 2225 11TH AVE. #20 HENRI	NASU.		
R. Hughes	Mr. Health Care Plan Amend		
Jack McDonald	Self		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Rep. Barnett asked Rep. Menahan if after a person receives a master's degree in the educational field, does the state require that person to go on and receive additional training before they can have their certificate renewed? Rep. Menahan said the board of public education states they have to take 6 credits every 5 years. Rep. Barnett thought he was going to go the other way, but Rep. Menahan said that was the old law, and current law now requires the 6 credit hours every 5 years.

Closing by Sponsor:

Rep. Menahan closed.

EXECUTIVE ACTION ON HB 190

Motion: REP. TUSS MOVED HB 190 DO PASS.

Discussion: Rep. Simon moved to adopt amendment #1. The question was called. Voice vote was taken. Motion CARRIED unanimously. EXHIBIT 8

Motion/Vote: Rep. Tuss made the motion to adopt amendment #2 on page 8, line 22, to change the inactive status from 7 consecutive years to 2 consecutive years, and make it consistent throughout the bill. The question was called. Voice vote was taken. Motion CARRIED unanimously. EXHIBIT 12

Motion/Vote: Rep. Simon moved to adopt amendment #3, to remove the full year allowed for a licensee to procure their license. He felt that a person in that profession would be alert to take care of their license in the 60 days allowed in the current law. Rep. Simon's motion is to strike section 2 and section 5 of the bill, and leave the existing language as is.

Discussion: Rep. Sonny Hanson said he opposes this amendment. He said the other boards allow a full year for a licensee to renew their license. There have been circumstances where a financial situation did take awhile to get the money together; if they had been under the 60-day time period, they would have lost their business.

Rep. Cocchiarella stated her opposition to the amendment.

Rep. Herron said he opposes the amendment.

Motion/Vote: Rep. Brandewie called the question on amendment #3. Voice vote was taken. Motion FAILED 1 - 17 with Rep. Simon voting yes.

Motion/Vote: REP. STELLA JEAN HANSEN MOVED HB 190 DO PASS AS AMENDED. Rep. Pavlovich called the question. Voice vote was taken. Motion CARRIED with Reps. Wagner, Simon, Bachini, Pavlovich, Herron, Brandewie, and Mills voting no. EXHIBIT 12

Vote: HB 190 DO PASS AS AMENDED. Motion CARRIED 11 - 7.

EXECUTIVE ACTION ON HB 243

Motion: REP. PAVLOVICH MOVED HB 243 DO PASS.

Discussion: Rep. Barnett said in defense of Rep. Menahan who has a master's degree plus 45 credit hours, has reached a point where he almost can't go any further. He was trying to state that a realtor who has been in the business for 20 plus years and reads and is working continuously, that requiring them to have these additional credits is a waste of everyone's time.

Rep. Knox said this bill is contradictory of what the realtors want and said he would support a table motion.

Rep. Brandewie said that real estate is not like teaching. He said this is such a dynamic industry with federal regulations changing constantly, that the continuing education is the only way they can get the information to these people.

Motion/Vote: REP. DAILY MADE A SUBSTITUTE MOTION THAT HB 243 BE TABLED. Voice vote was taken. Motion CARRIED with Reps. Bachini, Pavlovich, Dowell and Barnett voting no.

Vote: HB 243 BE TABLED. Motion CARRIED 14 - 4.

EXECUTIVE ACTION ON HB 252

Motion: REP. BACHINI MOVED HB 252 DO PASS.

Discussion: Rep. Bachini moved to adopt amendment that the maximum fee allowed for a homeowner to do his own repairs be \$10. Paul Verdon, Legislative Council, said the title of the bill states an act prohibiting the department from collecting permit licensing or inspection fees. He said if this is amended the way Rep. Bachini wants it to be, the committee will be doing the opposite of what the bill states and will not fit into the scope of the bill.

Motion/Vote: REP. BACHINI MOVED THAT HB 252 BE TABLED. Voice vote was taken. Motion CARRIED unanimously.

Vote: HB 252 BE TABLED. Motion CARRIED 18 - 0.

EXECUTIVE ACTION ON SB 45

Motion: REP. BRANDEWIE MOVED SB 45 BE CONCURRED IN.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 1-27-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS			✓
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON			✓
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

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HOUSE STANDING COMMITTEE REPORT

January 27, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 190 (first reading copy -- white) do pass as amended.

Signed: _____
Steve Benedict, Chair

And, that such amendments read:

1. Title, line 6.

Following: "LICENSEURE"

Insert: "OF LICENSED SOCIAL WORKERS AND"

2. Title, line 13.

Strike: "EFFECTIVE DATES"

Insert: "AN APPLICABILITY DATE"

3. Page 5, line 1.

Following: "of"

Insert: "or under a contract with"

4. Page 5, line 2.

Following: "agency"

Insert: ","

Strike: "or"

5. Page 5, line 3.

Following: "institution"

Insert: ", or a health care facility licensed under the provisions of Title 50, chapter 5,"

6. Page 6, lines 3 through 3.

Strike: subsection (4) in its entirety

7. Page 8, line 22.

Page 9, lines 14 and 21.

Page 10, line 14.

Strike: "7"

Insert: "2"

8. Page 11, line 4.

Strike: "1993"

January 27, 1993
Page 2 of 2

Insert: "1994"

9. Page 11, lines 5 and 6.

Strike: section 11 in its entirety

Amendments to House Bill No. 190
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 25, 1993

1. Title, line 6.
Following: "LICENSURE"
Insert: "OF LICENSED SOCIAL WORKERS AND"
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Strike: "or"
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Following: "institution"
Insert: ", or a health care facility licensed under the
provisions of Title 50, chapter 5,"
6. Page 6, lines 3 through 8.
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7. Page 11, line 4.
Strike: "1993"
Insert: "1994"
8. Page 11, lines 5 and 6.
Strike: section 11 in its entirety

EXHIBIT 12
DATE 1-27-93
HB 190

Amendments to House Bill No. 190
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 27, 1993

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Page 10, line 14.
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8. Page 11, line 4.
Strike: "1993"
Insert: "1994"
9. Page 11, lines 5 and 6.
Strike: section 11 in its entirety

Sen. Towe asked Rep. Ellis what a preceptor was. Rep. Ellis said it was his understanding that the term was synonymous with "intern".

Sen. Franklin said that a preceptor is one who supervises interns.

Sen. Towe asked Mary Lou Garrett if preceptors themselves were licensed. Ms. Garrett said they were.

Sen. Rye asked Ms. Garrett about the passing grade of 60%, which seems like a very low grade. Ms. Garrett said a 75% overall passing grade is required. There are many sections in the exam, and individuals may not get a percentage lower than 60% on one section.

Chairman Eck asked Ms. Garrett to what extent written exams were given, and what other exams there were. Ms. Garrett said the National Board of Chiropractor has developed a practical exam, and some "special purpose" exams for chiropractors.

Closing by Sponsor:

Rep. Ellis said the amendment from the House Committee got rid of language which set into law what the examination would consist of. National standards change, and therefore so does the examination. The amendment makes it so that the law does not have to be changed to reflect changes in national standards. Rep. Ellis said Sen. Klampe agreed to carry the HB 148 on the Floor of the Senate.

HEARING ON HB 190

Opening Statement by Sponsor:

Rep. Gary Mason, House District 63, said HB 190 specifies the requirements for licensure of clinical social workers. An inactive status for licensed social workers will also be created.

Proponents' Testimony:

Patrick Wolberd, licensed social worker representing the Board of Social Worker Examiners and Professional Counselors, provided written testimony. (Exhibit #2)

Craig Simmons, licensed social worker practicing in Helena, said he has been authorized by the National Association of Social Workers (NASW) to speak on behalf of that association. The Association fully concurs with the testimony given by Mr. Wolberd. HB 190 will up-grade the supervision requirement for licensure candidates, which will provide consumer protection. The bill allows the term Licensed Clinical Social Worker (LCSW)

to be used which is important for insurance reimbursement for clinical services. HB 190 and the term LCSW will not narrow the scope of practice for social workers. The intent of the licensing law which was enacted in 1983 was to license all professionally trained social workers for general or clinical practice. Mr. Simmons said HB 190 is a clean up bill.

Judith Carlson, Montana Chapter of the National Association of Social Workers, said the Association supports HB 190, and supports the amendments offered in the House.

Mary McCue, Montana Clinical Mental Health Counselors Association (MCMHCA), said they support HB 190 because it includes good provisions, which they would like to apply to professional counselors. Counselors would like the opportunity to use the term "clinical" as well, for the same reasons as the social workers. Ms. McCue provided amendments to HB 190 (Exhibit #3), and went over them. They were not aware of the deadline for submitting legislation to the Governor's Office. When they became aware of HB 190, the professional counselors stated they would like to be included. However, they had missed the deadline.

Dr. Quinton Hehn, licensed professional counselor practicing in Missoula, and President-elect of MCMHCA, said they support the addition of "clinical" for licensed professional counselors. It is only a title change, but it assists them in representing themselves, and more accurately represents what counselors do. They also support the increase of work experience to 3000 hours.

Carol Stabin-Burroughs, licensed professional counselor in Bozeman, said licensed professional counselors and licensed professional social workers have comparable degrees, similar hours for their degrees and licensure, they work in the same sector of business, and they are governed by the same Board. Ms. Stabin-Burroughs said it was unfair to give social workers the title "clinical", while not giving it to counselors. She asked the Committee to support the amendments.

Tom J. Farrow, licensed professional counselor in Billings, said he works with social workers, and they work well together. It is appropriate for counselors to have "clinical" status along with social workers because they are governed by the same Board. Mr. Farrow said he is tired of wasting time and money to get "clinical" status.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Towe asked what the difference between a social worker and a counselor was. Judith Carlson said social workers have a master's degree in social work. All social workers basically have the same body of knowledge, studying the organization of communities, families and individual psycho-social development. They have field work experience as well as academic experience. There are additional requirements for licensure.

Dr. Quinton Hehn, said counselors also have a master's degree, 2000 hours of supervised training. Counselor programs have started developing programs for school counselors and for clinical mental health counselors.

Sen. Towe asked Dr. Hehn who goes to a social worker, and who would go to a counselor. Dr. Hehn said that is interchangeable. He refers to social workers as well as counselors, and psychologists. They all do similar types of work, and very often have the same training.

Sen. Franklin said how she understood the disciplines was by looking at the "core" of the practice, because often times there are overlapping functions. She readdressed the questions to Ms. Carlson and to Mr. Hehn. Ms. Carlson said the core of social work is the work with individuals within their family, and within their community. Dr. Hehn said for counselors, it was working with individuals within their families.

Chairman Eck asked Dr. Hehn if a school counselor could be a licensed clinical counselor. Dr. Hehn said under current law, a school guidance counselor could, if certain standards were met. This is one reason for the licensing law.

Chairman Eck asked Dr. Hehn if guidance counselors would be grandfathered into the law. Dr. Hehn said they would, if they met the qualifications for licensed counselors.

Chairman Eck asked Dr. Hehn who got third party payments. Dr. Hehn said all licensed professional counselors could collect third party payments. There are some problems with the term "clinical".

Sen. Klampe asked Pat Wolberd about the three reasons he gave for including counselors in the bill. Mr. Wolberd said there is a lack of dialogue among licensed professional counselors in the state, and it is not certain that all counselors are in accord with HB 168.

Sen. Klampe asked Pat Wolberd for three reasons why counselors should not be included in the bill. Mr. Wolberd said the current statutes do not conform with the new national standards. Putting "clinical" into counselors' titles may misrepresent their actual qualifications. There is current legislation pending which has the potential for eroding standards even further. In addition, the Board is not satisfied that it has heard adequate testimony

from licensed professional counselors across the state.

Sen. Klampe asked Mr. Wolberd if Montana currently did not meet the national standards. Mr. Wolberd said that was correct, in terms of the statutes for both licenses. Social workers asked for legislation to bring them into compliance a couple of years ago.

Sen. Christiaens asked Craig Simmons if the addition of the title "clinical" immediately upgraded the profession. Mr. Simmons said the upgrading is in peer recognition, and in public recognition of the training of social workers.

Sen. Christiaens asked Mr. Simmons about the implication that the treatment would be better because of the addition of the title "clinical". Mr. Simmons said that was not correct, and he did not intend to say that. The term "clinical" clarifies what the social worker's services are. The upgrading comes with increased supervision.

Sen. Christiaens asked if licensed social workers and licensed professional counselors worked in psychotherapy. Mr. Simmons said social workers did during 3000 hours of supervised therapy.

Carol Stabin-Burrows said a school counselor would need to practice 2000 hours in a clinical setting. Currently, schools are not considered clinical settings.

Chairman Eck asked Ms. Stabin-Burrows if there were many school counselors, or guidance counselors who did not have that title. Ms. Stabin-Burrows said not all counselors are licensed professional counselors.

Chairman Eck asked Ms. Stabin-Burrows if it was all right for them to call themselves counselors. Ms. Stabin-Burrows said it was.

Sen. Towe asked what was gained by adding the word "clinical" in front of either title. Dr. Bob Bachew, Montana Clinical Mental Health Counselors Association, said the term "clinical" is a vendorship issue.

Sen. Towe asked Dr. Bachew if that meant there was no difference between a counselor and a clinical counselor. Dr. Bachew said there was not a difference if all the minimum standards had been met to qualify for licensure.

Sen. Towe asked Dr. Bachew what was sought to be achieved by the addition of the title "clinical." Dr. Bachew said it was critical in terms of surviving in the state of Montana. The insurance industry has applied pressure in terms of reimbursement. "Clinical" is a way to redefine what psychotherapists do.

Sen. Towe asked Dr. Bachew if there were a difference between "clinical" hours of training and non-clinical hours of training. Dr. Bachew said clinical training would be in a psycho-therapeutic setting, with supervision.

Sen. Towe asked for an example of non-clinical training. Sen. Christiaens said pre-release center counselors are unsupervised in a clinical setting. Working under a psychologist would be clinical.

Sen. Towe said it depended on who the supervisor was.

Sen. Franklin said the difference was that "clinical" people were involved with affecting and interacting in human dynamics in a significant way. It is a semantic difference. It is not necessarily a professional growth issue, but more a vendorship issue.

Sen. Klampe asked Dr. Wolberd about the pending legislation. Dr. Wolberd said there is other legislation, SB 372, which allows licensed practical counselors from other states to establish a plan for their different credentials.

Chairman Eck said that bill went through the Senate Business and Industry Committee.

Sen. Towe asked Rep. Mason if he objected to the amendment offered by Mary McCue. Rep. Mason said if the amendments did not pose a problem with the procedure of the bill, then he did not oppose them.

Sen. Towe asked Pat Wolberd if the Board objected to the amendment. Mr. Wolberd said there were concerns that HB 190 would die in a joint committee if amendments were adopted.

Sen. Christiaens asked Mr. Wolberd if the inactive status had been amended from seven years to two years. He also asked if both groups had the same continuing education requirements. Mr. Wolberd said there was a requirement of 20 hours of continuing education required each year. Both licensed come under the same Board.

Sen. Klampe asked Bob Bachew why there was no compliance with the April deadline for bills. Dr. Bachew said they were never notified of the deadline. The licensing board does not communicate with the professional organizations.

Sen. Klampe asked Dr. Bachew why counselors want to be included in the bill by adding "clinical" before their titles. Dr. Bachew said they need the vendorship to compete in the industry.

Chairman Eck asked Carol Grell, legal counsel for the Board, about the deadline for legislation. Ms. Grell said the legislation deadlines were moved to April, giving them two weeks

notice. It was not a matter of not notifying anyone.

Chairman Eck asked Ms. Grell if there were people who called themselves social workers who were not licensed. Ms. Grell said they were, in most cases, employed by agencies.

Closing by Sponsor:

Rep. Mason thanked the Committee for a good hearing.

EXECUTIVE ACTION ON HB 158

Motion:

Chairman Eck said the bill revised the laws regarding the Alternative Health Care Board.

Tom Gomez, Legislative Council, said there were some major problems with the current law. For example, all members of the Board had to be present to conduct business, but that has been changed. There was also a need for staggered terms.

Motion/Vote:

Sen. Rye moved HB 158 BE CONCURRED IN. The motion carried UNANIMOUSLY. Sen. Halligan will carry HB 158 on the Floor of the Senate.

EXECUTIVE ACTION ON HB 107

Discussion:

Chairman Eck said she would prefer to wait to take Executive Action on HB 107 until Sen. Hager was present, or until a member of the Committee had spoken to him about the bill. The bill would eliminate the Sunrise procedures, including the audit. Chairman Eck said that the audits had helped. Chairman Eck said that Rep. Cobb had indicated that the Legislative Audit Committee would continue to do the Sunrise audits if the Committee insisted.

Motion:

Sen. Towe moved HB 107 BE NOT CONCURRED IN.

Discussion:

Sen. Rye asked Sen. Towe what a Sunrise audit was. Sen. Towe

ROLL CALL

SENATE COMMITTEE Public Health DATE 3-19-93

[illegible]

FC8

Attach to each day's minutes

PATRICK WOLBERD, M.S.W., B.C.D.
Member, Board of Social Work Examiners & Professional Counselors
P.O. Box 20601, Billings, MT 59104
(406) 657-0611

TESTIMONY PREPARED FOR THE
SENATE PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

March 19, 1993

LICENSED SOCIAL WORKER PROPOSED CHANGES
HB-190

Madam Chair, my name is Patrick Wolberd and I am a licensed social worker representing the Board of Social Work Examiners & Professional Counselors. I have been a member of this board for the past year and have previously served on a social work licensing board in another state. I received my Master of Social Work degree in 1970 and have been practicing social work during the more than twenty years since that time. I have worked as a mental health administrator in the Montana State Department of Corrections and Human Services and in public service elsewhere, in addition to working as a line social worker and administrator in private agencies. I have been self employed as a private clinical social worker in Billings, Montana, for the past six years.

The Board of Social Work Examiners & Professional Counselors (Board of Examiners) has proposed legislation to amend specific sections of the social work licensure law to bring it up to national standards, and provide for more efficient and effective operation of the Board. These changes will:

1. Grant the Board authority to specify supervised work experience for social work applicants.
2. Allow a longer license renewal period for all licensees.
3. Allow, but not require, the use of the title Licensed Clinical Social Worker (LCSW).
4. Delete the six month time limit requirement for action on all complaints.
5. Establish an inactive status for all licensees.

During the past two years, the Board of Examiners has sought input from licensed social workers through the Montana Chapter of the National Association of Social Workers (NASW). There have been several regional meetings plus three state wide meetings to discuss the proposed legislation. The outcome has been that the NASW Board adopted a resolution in support of the Board of Examiners sponsored bill. This was a bill requested by NASW, which the Board of Examiners agreed to carry on behalf of Licensed Social Workers.

The following is an item by item review of the bill:

1. SUPERVISED WORK EXPERIENCE: Section 37-22-301 currently requires a license applicant to have "accumulated 3,000 hours of postdegree work experience in psychotherapy within the past 5 years".

COMMENT: There is no reference to supervision being a part of the required work experience, nor is there reference to

the minimum time required to accumulate the 3,000 hours. The result has been requests for licensure with no comment required from supervisors as to skill level and competence on the job. Some applicants have also applied with as little as one year of work experience based on time worked in excess of a 40 hour work week. The national standards established a 24 month postdegree training period as the minimum period required to integrate one's graduate education and prepare to practice without the benefit of regular supervision.

PROPOSED LANGUAGE: ...completed at least 24 months of supervised post master's degree work experience in psychotherapy, which includes 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years;

COMMENT: This language retains the terms psychotherapy and social work, which are currently defined in section 37-22-102. No attempt has been made to narrow the definition of licensed social work practice to exclude social workers who define their work in more generalists terms. The intent is to require a level of supervision for licensure which credibly assures the public of quality licensed social work service delivery. Language has been included which allows a one year grandparenting period for recent MSW graduates who might otherwise have been adversely effected by extending their work experience by six months before being licensed.

2. LICENSE RENEWAL: The current language allows "...60 days after the expiration of the license..." to renew the license. The new language would allow one year for renewal.

COMMENT: The Board of Examiners believes this new renewal time period is more reasonable and more in line with the national standards. The continuing education requirements and renewal fee remain unchanged.

3. LICENSED CLINICAL SOCIAL WORKER: The current language does not provide for the use of the title Licensed Clinical Social Worker. The new language allows the use of Licensed Social Worker (LSW) or Licensed Clinical Social Worker (LCSW).

COMMENT: This language change is permissive. It does not require the use of one title over the other, but rather allows the use of either title as the licensee sees fit. The new language is in no way intended to narrow the scope of the license to one subset of the profession. This change is mostly in response to the health industry's use of the term clinical with regard to billing procedures. Licensed social workers in private practice or who work for agencies that bill for their services are increasingly required to define their services as clinical. The current language in section 37-22-102, which defines terms such as licensee, psychotherapy, and social work, remains unchanged. The advanced exam being used to test license applicants has 70-80 % clinical content and 20-

30% generalists content. The original licensing intent was to license for clinical practice as well as the general practice of social work in order to provide the broadest licensing base. The new language does not change this intent of the original licensing statutory language.

4. **SIX MONTH COMPLAINT LIMIT:** The current language limits the Board of Examiners to six months in which they can take action on a complaint about a licensee. The new language deletes the six month limitation.

COMMENT: The Board has found that six months often limits the investigation of facts and forces them into closing the case without action in some instances due to a lack of time to complete a thorough examination of the matter. This change will allow for a more complete review of the allegations and a more equitable decision. This change does not limit a licensee's legal right to timely action.

5. **INACTIVE STATUS:** There is no current language defining an inactive status. The new language would allow a licensee to go inactive for a maximum of two years with greater flexibility regarding the continuing education requirements and inactive renewal fee structure.

COMMENT: The Board wants to make compassionate provision for licensed social workers to temporarily withdraw from active professional practice without undue hardship, yet maintain the integrity of the continuing education requirement and the license.

LPC CLINICAL TITLE AMENDMENT: The Board of Examiners understands that there will be a request by the Montana Clinical Mental Health Counselors Association (who represent about a third of the Licensed Professional Counselors in Montana) to amend HB 190 to include the term Clinical in the Licensed Professional Counselor title. The Board of Examiners does not support this LPC Clinical Title language amendment. This is not a matter of opposing the concept, but rather a matter of more thoroughly studying the issue.

It is important to note that the original intent of this bill was to make changes in the LSW statutes to bring this license more into compliance with national standards. As was mentioned earlier during the past two years, the Board of Examiners has sought input from licensed social workers through the Montana Chapter of the National Association of Social Workers (NASW). There have been several regional meetings plus three state wide meetings to discuss the proposed legislation. The outcome has been that the NASW Board adopted a resolution in support of the Board of Examiners sponsored bill. This was a bill requested by NASW, which the Board of Examiners agreed to carry on behalf of Licensed Social Workers.

Any reference to Licensed Professional Counselors in this bill was for the purpose of maintaining uniformity in administrative provisions across both licenses, not to bring any changes of substance to the LPC statutes. If there had been a request by the LPCs prior to the bill being submitted, the Administration sponsored

legislation, the Board of Examiners would have been able to give more serious consideration to sponsoring such a change. As it was, the first that the Board heard of any interest in such legislation was three months later when Dr. Bakko met with the Board of Examiners on 7/14/93.

The Board informed Dr. Bakko, at that time, that time had grown too short to fully study this request and that we would gladly work with his group to prepare legislation for 1995. This would allow the more thorough process to unfold that we discovered was necessary from our experience with the Licensed Social Workers.

The Board of Examiners does not support the LPC Clinical Title language amendment for the following reasons:

1. The current statutes do not fully conform with the national standards established by the American Counselors Association and the American Clinical Mental Health Counselors Association (as per Dr. Robert Bakko's presentation to the Board on 7/14/92 and his follow up letter of 7/15/92).
2. There is current legislation pending (SB 372) which could further erode LPC licensure requirement's conformity to the national standards.
3. The Board of Examiners believes that, regardless of a last minute attempt by MCMHCA to poll all the LPCs of the State, there has not been sufficient dialogue state wide to demonstrate that the LPCs have been fully informed of the import of such an amendment. (See the Letter of 3/18/93 from Dr. Mary Fitzpatrick, LPC, opposing the Clinical title amendment at this time.) As a result, we would like to work with the LPCs over the next two years to more fully study this request and develop statutory language that is clearly needed, is in the best interest of the consumers of LPC services, and that the Board can whole heartedly support.

The Board of Examiners welcomes the opportunity to work with MCMHCA and the other LPCs in Montana on this matter, but cannot support any amendment at this time to add the term Clinical to the LPC title.

In conclusion, we are requesting that the Senate Public Health, Welfare & Safety Committee approve House Bill-190 as presented with the amendments approved by the House Business Committee.

Madam Chair, we want to thank representative Gary Mason for his support and willingness to sponsor this bill, and the time you and the Public Health Committee are taking to hear testimony on this important matter. I am available for questions from the Committee, as is the legal counsel and administrative assistant for the Board.

MARY E. FITZPATRICK, Ph.D.
Licensed Professional Counselor
Certified Chemical Dependency Counselor

Certified Clinical Mental Health Counselor
Certified Addictions Counselor

Individual
Marital
Family

March 18, 1993

Mr. Patrick Wolberd
2417 Elizabeth St.
Billings, MT 59102

Dear Patrick,

I am happy to put in writing, for your testimony before the legislative committee tomorrow, some of my thoughts about the proposed amendment to allow LPCs to add the word "Clinical" to their title.

In April 1991, the Board of the American Counselors Association adopted its Professionalization Directorate Strategic Plan. The same plan was adopted by the Board of Directors of the American Clinical Mental Health Counselors Association in March, 1992. This plan sets standards for the certification of persons as clinical mental health counselors, and these are the standards which these associations will endeavor to have enacted in state legislatures and accepted by third party payors. These standards, among other things, call for 60 semester hours of clinical training at the master's or post-master's level.

Since the Montana licensing law does not meet these standards it seems to me a cosmetic change and unnecessary, if not deceitful, to allow persons who do not meet these national standards to call themselves LP Clinical Cs. No name change will allow MT LPCs to meet the national standards until the certification law conforms to those standards. The ballot sent to LPCs about the name change suggested this would be a step toward meeting national standards, and perhaps this induced some to vote for it. I believe adopting this change would be irrelevant and confusing.

Please convey to the Board my appreciation of its consistent stand opposing any retreat from national standards in licensing counselors.

Sincerely

Mary E. Fitzpatrick, Ph.D.

Mary E. Fitzpatrick, Ph.D.
Licensed Professional Counselor
Certified Clinical Mental Health Counselor



NATURE HAS MADE US STRONG
AND RESILIENT. WE BEND WITH
THE WIND AND REMAIN UPRIGHT
AFTER A STORM.

Proposed Amendments to HB 190

Prepared by Mary McCue

Lobbyist for Montal Clinical Mental Health Counselors Association

1. Title, line 6.
Strike: "AND OF"
Insert: ","
2. Title, line 7.
Following: "WORKERS"
Insert: ", licensed professional counselors, and licensed clinical professional counselors"
3. Title, line 12.
Following: "37-22-312,"
Insert: "37-23-201, 37-23-202,"
4. Page 10, following line 22.
Insert: "Section 9. Section 37-23-201, MCA, is amended to read:

"37-23-201. Representation as licensed clinical professional counselor --- license required. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical professional counselor". Except as provided in subsection (2), No no person may represent himself to be a licensed professional counselor or licensed clinical professional counselor by adding the letters "LPC" or "LCPC" after his name or by any other means unless licensed under this chapter; and.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed professional counselor" or "LPC" may use the title "licensed clinical professional counselor" or "LCPC."

(2) (3) Subsection (1) does not prohibit:

(a) a qualified member or another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, or educator, from professional counseling consistent with his training if he does not hold himself out to the public by a title or description incorporating the words "licensed professional counselor, "licensed counselor", or "professional counselor", "licensed clinical professional counselor", or licensed clinical counselor;

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally

recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform such activity or service. However, such person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 120 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

Section 10. Section 37-23-202, MCA, is amended to read:

"37-23-202. Licensure requirements. ~~(1) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in a advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(c) and passed an examination prepared and administered by:~~

~~(i) the board, based on a national examination approved by the board;~~

~~(ii) the national board of certified counselors; or~~

~~(iii) the national academy of certified clinical mental health counselors; and~~

~~(d) an application form and process prescribed by the board that includes submission of three letters of nomination from counselors or related professionals, each of whom holds a masters' degree or higher and who can attest to the quality of the applicant's work.~~

~~(2) To be licensed after December 31, 1987, an applicant must have satisfactorily completed:~~

~~(a) (1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;~~

~~(b) (2) 2,000 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.~~

~~(c) (3) and passed an examination prepared and administered by:~~

~~(i) (a) the board, based on a national examination approved by~~

the board;

~~(ii) the national board of certified counselors; or~~

~~(iii) (b) the national academy of certified clinical mental health counselors; and~~

~~(d) (4) an application form and process prescribed by the board."~~

Renumber: subsequent sections

5. Page 11, line 5.

Strike: "Section"

Insert: "Sections"

6. Page 11, line 6.

Strike: "applies"

Insert: "and 10(2) and (3) apply"

DATE 3-19-93
NATE COMMITTEE ON Public Health
ILLS BEING HEARD TODAY: HB 148, HB 190

Name (please print)	Representing	Bill No.	Check One	
			Support	Oppose
DR. Danton R. Helm	MEMHCA	HB 190	☒	☐
Carol Staben-Burroughs	MEMHCA	HB 190	☒	☐
Tommy F. Foy	MEMHCA	HB 190	☒	☐
Mary Lou Garrett	Board of Chiropractors	148	☐	☐
Nary McNe	MEMHCA	HB 190	☐	☐
Bob B...	MEMHCA	HB 190	☐	☐
John A. ...	BSWEDC	HB 190	☐	☐

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Rep. Bardanouve said that was correct.

Chairman Eck asked Rep. Bardanouve about changing the Resolution to urge the President to evaluate or to provide information relating to the Oregon Plan. Rep. Bardanouve said Dan Shea had a good point to raise the Boren Amendment.

Closing by Sponsor:

He said he would welcome the Committee's changes to the Resolution, and he encouraged the Department to monitor it closely.

EXECUTIVE ACTION ON HB 190

Discussion:

Chairman Eck said during the hearing there was reference to a Senate Bill.

Sen. Christiaens said SB 372 was heard in Business and Industry. He said it was interesting that the people who opposed that bill were proponents of HB 190. SB 372 increased the number of continued education hours to 60 for those with master's degrees in social work.

Mary McCue, Montana Clinical Mental Health Counselors Association (MCMHCA), said SB 372 was sponsored by Sen. Swysgood and MCMHCA opposed it in the Senate. There had been confusion about what that bill did, and the interpretation of the Board of Social Work Examiners and Professional Counselors that the hours of continued education must be continuous. The standards for licensure are not lowered.

Sen. Christiaens said he was confused regarding the title "clinical", which stemmed primarily from the third party payment designation. Sen. Christiaens asked if the service fees would be raised by the passage of HB 190.

Sen. Klampe said insurance companies raise services fees.

Motion:

Sen. Towe moved the amendments offered by Mary McCue. (Exhibit #6)

Discussion:

Sen. Towe said it was his understanding that social workers did not oppose the amendments.

Vote:

The motion carried UNANIMOUSLY.

Discussion:

Sen. Christiaens said no one had addressed the changing of inactive status from seven to two years.

Sen. Towe said that in other fields, seven years is a long time.

Sen. Christiaens said that in the nursing practice, there are individuals who maintain an inactive status by continuing to pay fees. There are courses for nurses who have been on inactive status.

Motion/Vote:

Sen. Towe moved that HB 190 BE CONCURRED IN AS AMENDED. The motion carried UNANIMOUSLY.

EXECUTIVE ACTION ON HJR 15

Discussion:

Sen. Towe suggested language on Line 11, striking everything after "the United States" and adding "be congratulated for granting the request for a waiver by the state of Oregon and that the President of the United States be encouraged to show similar flexibility in approving other waivers from other states to allow states to more effectively address the problem of paying for increased Medicaid costs."

Sen. Christiaens said that might be helpful because the Subcommittee (on Human Services) has requested a portfolio of waivers.

Chairman Eck asked the Committee members if the "whereas" clauses should be changed. Sen. Rye one "whereas" might be added acknowledging the updated situation.

Sen. Towe suggested, "whereas the President of the United States has recently indicated his willingness to approve the Oregon waiver."

Chairman Eck asked Sen. Towe to work with Tom Gomez on language. She said the first "whereas" might be replaced with a congratulations.

Sen. Christiaens asked if the Committee could come up with a new Resolution rather than changing HJR 15. Sen. Towe said the deadline had passed.

Sen. Mesaros said if the body of the Resolution were changed, it

ROLL CALL

SENATE COMMITTEE Public Health DATE 3-22-93

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
March 23, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 190 (first reading copy -- white), respectfully report that House Bill No. 190 be amended as follows and as so amended be concurred in.

Signed: _____

Dorothy Eck
Senator Dorothy Eck, Chair

That such amendments read:

1. Title, line 6.

Strike: "AND OF"

Insert: ", "

2. Title, line 7.

Following: "WORKERS"

Insert: ", LICENSED PROFESSIONAL COUNSELORS, AND LICENSED
CLINICAL PROFESSIONAL COUNSELORS"

3. Title, line 12.

Following: "37-22-312,"

Insert: "37-23-201, 37-23-202,"

4. Page 10, line 23.

Following: line 22

Insert: "Section 9. Section 37-23-201, MCA, is amended to read:

"37-23-201. Representation as licensed clinical professional counselor -- license required. (1) No Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical professional counselor". Except as provided in subsection (2), a person may not represent himself to be that the person is a licensed professional counselor or licensed clinical professional counselor by adding the letters "LPC" or "LCPC" after his the person's name or by any other means unless licensed under this chapter; and.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed professional counselor" or "LPC" may use the title "licensed clinical professional counselor" or "LCPC".

(3) Subsection (1) does not prohibit:

(a) a qualified member of another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, or educator, from professional counseling consistent with his that person's training if he the person does not hold himself out to the public by use a title or description incorporating the

words "licensed professional counselor", "licensed counselor", or "professional counselor", "licensed clinical professional counselor", or "licensed clinical counselor";

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform such activity or service. However, such person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 10 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

Section 10. Section 37-23-202, MCA, is amended to read:

~~"37-23-202. Licensure requirements. (1) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in an advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(c) and passed an examination prepared and administered by:~~

~~(i) the board, based on a national examination approved by the board;~~

~~(ii) the national board of certified counselors; or~~

~~(iii) the national academy of certified clinical mental health counselors; and~~

~~(d) an application form and process prescribed by the board that includes submission of three letters of nomination from~~

~~counselors or related professionals, each of whom holds a master's degree or higher and who can attest to the quality of the applicant's work.~~

~~(2)~~ To be licensed ~~after December 31, 1987~~, an applicant must have satisfactorily completed:

~~(a)~~(1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

~~(b)~~(2) ~~2,000~~ 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.

~~(c)~~ (3) and passed an examination prepared and administered by:

~~(i)~~(a) the board, based on a national examination approved by the board; or

~~(ii)~~ the national board of certified counselors; or

~~(iii)~~(b) the national academy of certified clinical mental health counselors; and

~~(d)~~(4) an application form and process prescribed by the board."

Renumber: subsequent sections

5. Page 11, line 5.

Strike: "Section"

Insert: "Sections"

6. Page 11, line 6.

Following: "1(2)(b)"

Insert: "and 10(2) and (3)"

Strike: "applies"

Insert: "apply"

-END-

62
D. 3-22-93
BILL NO. HB 190

Proposed Amendments to HB 190

Prepared by Mary McCue

Lobbyist for Montal Clinical Mental Health Counselors Association

1. Title, line 6.
Strike: "AND OF"
Insert: ", "
2. Title, line 7.
Following: "WORKERS"
Insert: ", licensed professional counselors, and licensed clinical professional counselors"
3. Title, line 12.
Following: "37-22-312,"
Insert: "37-23-201, 37-23-202,"
4. Page 10, following line 22.
Insert: "Section 9. Section 37-23-201, MCA, is amended to read:

"37-23-201. Representation as licensed clinical professional counselor --- license required. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical professional counselor". Except as provided in subsection (2), No no person may represent himself to be a licensed professional counselor or licensed clinical professional counselor by adding the letters "LPC" or "LCPC" after his name or by any other means unless licensed under this chapter; and.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed professional counselor" or "LPC" may use the title "licensed clinical professional counselor" or "LCPC."

~~(2)~~ (3) Subsection (1) does not prohibit:

(a) a qualified member or another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, or educator, from professional counseling consistent with his training if he does not hold himself out to the public by a title or description incorporating the words "licensed professional counselor, "licensed counselor", ~~or~~ "professional counselor", "licensed clinical professional counselor", or licensed clinical counselor;

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally

recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform such activity or service. However, such person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 120 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

Section 10. Section 37-23-202, MCA, is amended to read:

"37-23-202. Licensure requirements. ~~(1) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in a advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(c) and passed an examination prepared and administered by:~~

~~(i) the board, based on a national examination approved by the board;~~

~~(ii) the national board of certified counselors; or~~

~~(iii) the national academy of certified clinical mental health counselors; and~~

~~(d) an application form and process prescribed by the board that includes submission of three letters of nomination from counselors or related professionals, each of whom holds a masters' degree or higher and who can attest to the quality of the applicant's work.~~

~~(2) To be licensed after December 31, 1987, an applicant must have satisfactorily completed:~~

~~(a) (1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;~~

~~(b) (2) 2,000 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.~~

~~(c) (3) and passed an examination prepared and administered by:~~

~~(i) (a) the board, based on a national examination approved by~~

the board;

~~(ii) the national board of certified counselors; or~~

~~(iii)~~ (b) the national academy of certified clinical mental health counselors; and

~~(d)~~ (4) an application form and process prescribed by the board."

Renumber: subsequent sections

5. Page 11, line 5.

Strike: "Section"

Insert: "Sections"

6. Page 11, line 6.

Strike: "applies"

Insert: "and 10(2) and (3) apply"